

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

In re: RAILYARD COMPANY, LLC,

Debtor.

Bankruptcy Case No. 15-12386-t7

Steve Duran and Rick Jaramillo,

Appellants,

v.

1:20-cv-01172-KWR-LF

Craig Dill Trustee, and
Thorofare Asset Based Lending Fund III, L.P.,

Appellees.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on December 2, 2021, recommending that the Court dismiss appellant Rick Jaramillo's appeal in its entirety with prejudice¹ and that the Court impose filing restrictions on Mr. Jaramillo and Mr. Duran. Doc. 14. The proposed findings notified the parties of their ability to file objections within fourteen (14) days and that failure to do so waived appellate review. The Court granted Mr. Jaramillo an extension through January 7, 2022, to file objections. Doc. 17. To date, the parties have not filed any objections and there is nothing in the record indicating that the proposed findings were not delivered.

IT IS THEREFORE ORDERED as follows:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 17) is

¹ Appellant Steve Duran did not file a motion to reverse and remand. *See* Doc. 15. The Magistrate's findings and recommendations were based only on Mr. Jaramillo's motion and arguments. The Court, therefore, adopts the recommendations with regard to Mr. Jaramillo only.

ADOPTED;

2. Appellant Rick Jaramillo's appeal from bankruptcy court is **DISMISSED WITH PREJUDICE**.
3. Appellants Rick Jaramillo and Steve Duran will have through January 25, 2022, to show cause why the Court should not enter the proposed filing restrictions.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE